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AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER GOODCHILD, WILLIAM J	
			ART UNIT 2445	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/736,025	<b>Applicant(s)</b> CREAMER ET AL.	
	<b>Examiner</b> WILLIAM J. GOODCHILD	<b>Art Unit</b> 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 4-13 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-13 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/24/2008 has been entered.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6-13 and 37 rejected under 35 U.S.C. 103(a) as being unpatentable over Landon et al., "Deploying Lotus Sametime on the eServer iSeries Server", Redbooks, June 2002, (hereinafter Landon), and further in view of Galli et al., (US Publication No. 2005/0086309), (hereinafter Galli) and Stone, Biz, ("Bloggging: Genius Strategies for Instant Web Content), (hereinafter Stone).

Regarding claim 1, Landon discloses establishing an instant messaging session among two or more users [Landon, sections 5.2.1, Initiate chat sessions with AOL Instant Messenger users];  
compiling a transcript of the instant messaging session by an instant messaging client [Landon, sections 5.2.1, Save chat transcripts for future references] upon a request of a user of the instant messaging client [Landon, sections 5.2.1, Save chat transcripts for future references and 5.7.1, page 167, You can save this chat session by clicking ...];  
saving the compiled transcript to a specified portion of a memory [Landon, sections 5.2.1, Save chat transcripts for future references and 5.7.1, page 167, You can save this chat session by clicking ...].

Landon does not specifically disclose receiving a user request to publish the transcript of the session to at least one Weblog specified by the user;  
transmitting the saved transcript to a blogging system;  
determining a destination of the at least one Weblog;  
generating an indicator indicating at least one of a format, font, and color in which the transcript is to be published; and  
publishing the transcript to the at least one Weblog according to the indicator.

However, Galli, in the same field of endeavor discloses the user can share the selected online service in the IM session [Galli, paragraphs 52 and 116]. It would have been obvious to one having ordinary skill in the art at the time the invention was made in to

Art Unit: 2445

modify Landon to include sharing the selected IM session with a blog in order to allow blogs to be updated from a users log.

Galli further discloses transmitting the saved transcript to a blogging system [Galli, paragraph 109];

determining the destination of the at least one Weblog [Galli, paragraph 109];

publishing the transcript to the at least one Weblog [Galli, paragraph 116].

Stone, in the same field of endeavor discloses using a predefined template [Stone, chapter 16, 3<sup>rd</sup> paragraph under “Template Management Systems: The Future of Site Management”, “WebCrimson goes beyond blogging in that you are allowed to create almost any type of site. Here is a list of WebCrimson’s standard features:”, “Automated templating technology for generating whole new areas of your site with a consistent look and feel including: Single Entry templates, Index templates, Blog templates”, The template defines the font and format of the publishing on the web page blog]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of a predefined template in order to separate design from content.

Regarding claim 6, Landon-Galli-Stone further discloses formatting the transcript according to a predefined template [Stone, chapter 16, 3<sup>rd</sup> paragraph under “Template Management Systems: The Future of Site Management”].

Art Unit: 2445

Regarding claim 7, Landon-Galli-Stone further discloses the predefined template specifies one of a plurality of weblogs to which the transcript is published, or one of a plurality of sections of the weblog to which the IM transcript is stored [Stone, chapter 16, 3<sup>rd</sup> paragraph, “WebCrimson goes beyond blogging in that you are allowed to create almost any type of site. Here is a list of WebCrimson’s standard features:”, “Automated templating technology for generating whole new areas of your site with a consistent look and feel including: Single Entry templates, Index templates, Blog templates”].

Regarding claim 8, Landon-Galli-Stone further discloses the template specifies instructions for processing the weblog according to an identity of a sender [Stone, chapter 18, 4<sup>th</sup> paragraph, “Posting via AIM<sup>TM</sup>” and Figure 18.1].

Regarding claim 9, Landon-Galli further discloses exchanging electronic documents within the instant messaging session [Landon, sections 5.2.1, 5.7.1, 5.4.2 and 5.8], wherein the electronic document is saved as part of the transcript [Landon, sections 5.2.1, 5.7.1, 5.4.2 and 5.8].

Regarding claim 10, Landon-Galli further discloses the electronic document specifies multimedia content [Landon, sections 5.2.1, 5.7.1, 5.4.2 and 5.8].

Art Unit: 2445

Regarding claim 11, Landon-Galli further discloses joining a Weblog agent to the instant messaging session, wherein the Weblog agent records transactions of the instant messaging session [Galli, paragraph 20, lines 1-3, paragraph 116, lines 2-5].

Regarding claim 12, Landon-Galli further discloses sending the transcript to the Weblog using the Weblog agent [Galli, paragraph 109].

Regarding claim 13, Landon-Galli-Stone further discloses formatting the transcript according to a template using the Weblog agent [Stone, chapter 16, 3<sup>rd</sup> paragraph, “WebCrimson goes beyond blogging in that you are allowed to create almost any type of site. Here is a list of WebCrimson’s standard features:”, “Automated templating technology for generating whole new areas of your site with a consistent look and feel including: Single Entry templates, Index templates, Blog templates”].

Regarding claim 37, Landon-Galli-Stone further discloses establishing an instant messaging session among two or more users [Landon, sections 5.2.1, Initiate chat sessions with AOL Instant Messenger users];  
receiving a user request to join a Weblog agent to the instant messaging session [Galli, paragraph 20, lines 1-3, paragraph 116, lines 2-5];  
recording the instant messaging session by the Weblog agent [Galli, paragraph 20, lines 1-3, paragraph 116, lines 2-5];

Art Unit: 2445

compiling the recorded instant messaging session into a transcript upon termination of the instant messaging session [Landon, sections 5.2.1, Save chat transcripts for future references and 5.7.1];

assigning one or more Weblog destination to the transcript [Galli, paragraph 109];

generating an indicator indicating at least one of a format, font, and color in which the transcript is to be published [Stone, chapter 16, 3<sup>rd</sup> paragraph under “Template Management Systems: The Future of Site Management”, “WebCrimson goes beyond blogging in that you are allowed to create almost any type of site. Here is a list of WebCrimson’s standard features:”, “Automated templating technology for generating whole new areas of your site with a consistent look and feel including: Single Entry templates, Index templates, Blog templates”];

publishing the transcript to one or more Weblogs corresponding to the assigned one or more Weblog destination according to the indicator [Galli, paragraph 116].

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landon-Galli-Stone as applied to claim 1 above, and further in view of Lehtikainen et al., (US Publication No. 2005/0075097), (hereinafter Lehtikainen).

Regarding claim 4, Landon-Galli-Stone discloses responsive to said detecting step, sending the transcript to the Weblog [Galli, paragraph 109].

Landon-Galli-Stone does not specifically disclose detecting a state change in the portion of the memory.



Art Unit: 2445

However, Lehtikainen discloses tracking events used as the bases for updating the user's blog [Lehtikainen, column 4, lines 40 and 51-52]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of tracking events used as the bases for updating the user's blog in order to make use of detecting a state change.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landon-Galli-Stone as applied to claim 1 above, and further in view of Linsey et al., (US Patent No. 6,791,582), (hereinafter Linsey).

Regarding claim 5, Landon-Galli-Stone does not specifically disclose receiving a second user input requesting that the transcript be sent to the weblog; and sending the transcript to the weblog.

However, Linsey discloses users may be allowed to copy the transcripts of a chat [Linsey, column 32, lines 25-31]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the users copying and sending the transcripts to a weblog in order to allow all users of the system to access a weblog.

Art Unit: 2445

5. Claims 1, 6-13 and 37 rejected under 35 U.S.C. 103(a) as being unpatentable over Roskind (US Publication No. 2003/0065721), and further in view of Galli and Stone.

Regarding claim 1, Roskind discloses establishing an instant messaging session among two or more users [Roskind, paragraphs 74 and 93 and figure 6];  
compiling a transcript of the instant messaging session by an instant messaging client [Roskind, paragraph 97] upon a request of a user of the instant messaging client [Roskind, paragraph 15];  
saving the compiled transcript to a specified portion of a memory [Roskind, paragraph 95].

Roskind does not specifically disclose receiving a user request to publish the transcript of the session to at least one Weblog specified by the user;  
transmitting the saved transcript to a blogging system;  
determining a destination of the at least one Weblog;  
generating an indicator indicating at least one of a format, font, and color in which the transcript is to be published; and  
publishing the transcript to the at least one Weblog according to the indicator.

However, Galli, in the same field of endeavor discloses the user can share the selected online service in the IM session [Galli, paragraphs 52 and 116]. It would have been

Art Unit: 2445

obvious to one having ordinary skill in the art at the time the invention was made in to modify Roskind to include sharing the selected IM session with a blog in order to allow blogs to be updated from a users log.

Galli further discloses transmitting the saved transcript to a blogging system [Galli, paragraph 109];

determining the destination of the at least one Weblog [Galli, paragraph 109];

publishing the transcript to the at least one Weblog [Galli, paragraph 116].

Stone, in the same field of endeavor discloses using a predefined template [Stone, chapter 16, 3<sup>rd</sup> paragraph under “Template Management Systems: The Future of Site Management”, “WebCrimson goes beyond blogging in that you are allowed to create almost any type of site. Here is a list of WebCrimson’s standard features:”, “Automated templating technology for generating whole new areas of your site with a consistent look and feel including: Single Entry templates, Index templates, Blog templates” The template defines the font and format of the publishing on the web page blog]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of a predefined template in order to separate design from content.

Regarding claim 6, Roskind-Galli-Stone further discloses formatting the transcript according to a predefined template [Stone, chapter 16, 3<sup>rd</sup> paragraph under “Template Management Systems: The Future of Site Management”].

Regarding claim 7, Roskind-Galli-Stone further discloses the predefined template specifies one of a plurality of weblogs to which the transcript is published, or one of a plurality of sections of the weblog to which the IM transcript is stored [Stone, chapter 16, 3<sup>rd</sup> paragraph, “WebCrimson goes beyond blogging in that you are allowed to create almost any type of site. Here is a list of WebCrimson’s standard features:”, “Automated templating technology for generating whole new areas of your site with a consistent look and feel including: Single Entry templates, Index templates, Blog templates”].

Regarding claim 8, Roskind-Galli-Stone further discloses the template specifies instructions for processing the weblog according to an identity of a sender [Stone, chapter 18, 4<sup>th</sup> paragraph, “Posting via AIM<sup>TM</sup>” and Figure 18.1].

Regarding claim 9, Roskind-Galli further discloses exchanging electronic documents within the instant messaging session [Galli, paragraph 51, lines 1-3, the IMLet makes the third party service represented by the IMLet immediately accessible in the IM session], wherein the electronic document is saved as part of the transcript [Galli, paragraph 77 – 84, example of how content is part of the transcript, figure 4].

Regarding claim 10, Roskind-Galli further discloses the electronic document specifies multimedia content [Galli, paragraph 58, figure 4, a movie link is specified].

Art Unit: 2445

Regarding claim 11, Roskind-Galli further discloses joining a Weblog agent to the instant messaging session, wherein the Weblog agent records transactions of the instant messaging session [Galli, paragraph 20, lines 1-3, paragraph 116, lines 2-5].

Regarding claim 12, Roskind-Galli further discloses sending the transcript to the Weblog using the Weblog agent [Galli, paragraph 109].

Regarding claim 13, Roskind-Galli-Stone further discloses formatting the transcript according to a template using the Weblog agent [Stone, chapter 16, 3<sup>rd</sup> paragraph, “WebCrimson goes beyond blogging in that you are allowed to create almost any type of site. Here is a list of WebCrimson’s standard features:”, “Automated templating technology for generating whole new areas of your site with a consistent look and feel including: Single Entry templates, Index templates, Blog templates”].

Regarding claim 37, Roskind-Galli-Stone further discloses establishing an instant messaging session among two or more users [Roskind, paragraphs 74 and 93 and figure 6];

receiving a user request to join a Weblog agent to the instant messaging session [Galli, paragraph 20, lines 1-3, paragraph 116, lines 2-5];

recording the instant messaging session by the Weblog agent [Galli, paragraph 20, lines 1-3, paragraph 116, lines 2-5];

Art Unit: 2445

compiling the recorded instant messaging session into a transcript upon termination of the instant messaging session [Roskind, paragraphs 15 and 97];

assigning one or more Weblog destination to the transcript [Galli, paragraph 109];

generating an indicator indicating at least one of a format, font, and color in which the transcript is to be published [Stone, chapter 16, 3<sup>rd</sup> paragraph under “Template

Management Systems: The Future of Site Management”, “WebCrimson goes beyond

blogging in that you are allowed to create almost any type of site. Here is a list of

WebCrimson’s standard features.”, “Automated templating technology for generating

whole new areas of your site with a consistent look and feel including: Single Entry

templates, Index templates, Blog templates”];

publishing the transcript to one or more Weblogs corresponding to the assigned one or

more Weblog destination according to the indicator [Galli, paragraph 116].

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roskind-Galli-Stone as applied to claim 1 above, and further in view of Lehtikainen.

Regarding claim 4, Roskind-Galli-Stone discloses responsive to said detecting step,

sending the transcript to the Weblog [Galli, paragraph 109].

Roskind-Galli-Stone does not specifically disclose detecting a state change in the portion of the memory.

However, Lehtikainen discloses tracking events used as the bases for updating the user's blog [Lehtikainen, column 4, lines 40 and 51-52]. It would have been obvious to

Art Unit: 2445

one having ordinary skill in the art at the time the invention was made to incorporate the use of tracking events used as the bases for updating the user's blog in order to make use of detecting a state change.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roskind-Galli-Stone as applied to claim 1 above, and further in view of Linsey.

Regarding claim 5, Roskind-Galli-Stone does not specifically disclose receiving a second user input requesting that the transcript be sent to the weblog; and sending the transcript to the weblog.

However, Linsey discloses users may be allowed to copy the transcripts of a chat [Linsey, column 32, lines 25-31]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the users copying and sending the transcripts to a weblog in order to allow all users of the system to access a weblog.

### ***Response to Arguments***

8. Applicant's arguments filed 10/28/2008 have been fully considered but they are not persuasive.

A – Applicant argues - "It is noted that an IM log, which includes a chronological record of instant messaging activity, is different from a transcript of an instant messaging

Art Unit: 2445

session, which is a compilation of the instant messages exchanged during an instant messaging session including electronic files such as text-only, images, documents, binary objects, and multimedia files such as audio and video”.

A – Roskind discloses providing the full transcript of an instant messaging sessions compilation of the messages exchanged [Roskind, paragraphs 95, lines 5-6 and 97, lines 12-13 and 79, Along with the messages exchanged, additional items within the transcript include the times of the messages, audio and video etc.].

B – Applicant argues – “It is also noted that the IM log is not compiled upon a user’s request, but rather automatically generated by the IM client itself”.

B - Roskind discloses that the log may be updated with instant messaging activity [Roskind, paragraph 15,] and that the log may be stored on the host, sender / recipient machines and the moderator may, additionally the moderator, sender / recipient may modify the log [Roskind, paragraph 95, Based on choices of the IM clients will depend on whether the users will maintain the log, moderator may also maintain the log].

C – Applicant argues – “However, accessing a Weblog application from an IM GUI by a user does not mean that the transcript of the IM session can be published in the Weblog upon the user’s request”.



Art Unit: 2445

C – Galli discloses the user causing the publishing to HTTP by choosing an application that will publish the data [Galli, paragraphs 51-52, the user chooses the application, by such a choice the user is choosing for the data to be published].

D – Applicant argues “It is disclosed in paragraph [0116] of Galli that the framework can also be used with other environments than instant messenger environments; for example, IMLets can be used as assistant tools during the authoring of information, such as Weblogs (during a blog publishing authoring session, a user can use an assistant application, such as an IMLet, to insert a rich content provided by a third-party online service). This has nothing to do with publishing the transcript to the at least one Weblog according to the indicator, as recited in Claim 1 of the instant application. All this paragraph is saying is that instead of accessing third-party services from an IM environment, the third-party services can also be accessed from a Weblog authoring environment. Stone discloses that WebCrimson allows a user to create almost any type of site with a consistent look and feel including single entry templates, index templates, and blog templates. However, Stone does not disclose generating an indicator indicating at least one of a format, font, and color in which the IM transcript is to be published in a Weblog”].

D – Stone, chapter 16, 3<sup>rd</sup> paragraph under “Template Management Systems: The Future of Site Management”, “WebCrimson goes beyond blogging in that you are allowed to create almost any type of site. Here is a list of WebCrimson’s standard

Art Unit: 2445

features:”, “Automated templating technology for generating whole new areas of your site with a consistent look and feel including: Single Entry templates, Index templates, Blog templates” The template defines the font and format of the publishing on the web page blog, which indicates how the blog entry should be published.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Examiner's Note: Examiner has cited particular paragraphs / columns and line numbers in the reference(s) applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the cited passages as taught by the prior art or relied upon by the examiner.

Should applicant amend the claims of the claimed invention, it is respectfully requested that applicant clearly indicate the portion(s) of applicant's specification that support the amended claim language for ascertaining the metes and bounds of applicant's claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is (571)270-1589. The examiner can normally be reached on Monday - Friday / 8:00 AM - 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrice Winder/  
Primary Examiner, Art Unit 2445

WJG  
01/27/2009